

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	DECLARATION OF LYLE S. HOSODA
v.)	
)	
HAWAIIAN EXPRESS SERVICE,)	
INC., et al.)	
)	
Defendants.)	
_____)	

DECLARATION OF LYLE S. HOSODA

I, LYLE S. HOSODA, hereby declare as follows:

1. I am the principal attorney of the law firm of LYLE S. HOSODA & ASSOCIATES, L.L.C., attorneys for Defendants Brian Christensen, Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio ("Employees") and am duly authorized to make this declaration.

2. Attached hereto as Exhibit "A" is a true and correct copy of select pages of the deposition of Mark Dillon taken on March 25, 2002 in *Berry v. Fleming, et al*, Civil No. CV01-00446.

3. Attached hereto as Exhibit "B" is a true and correct copy of select pages of the Transcript of Proceedings of February 28, 2003 in *Berry v. Fleming, et al*, Civil No. CV01-00446.

4. Attached hereto as Exhibit "C" is a true and correct copy of the Order Granting Defendant Foodland's Motion for Summary Judgment; Granting Defendant Hawaii Transfer Company's Motion for Summary Judgment; and Granting in Part, Denying in Part Defendants Dillon, Noa, and Christensen's Motion for Summary Judgment, filed herein on January 26, 2005.

5. Attached hereto as Exhibit "D" is a true and correct copy of select pages of the Transcript of Proceedings of March 1, 2006.

6. Attached hereto as Exhibit "E" is a true and correct copy of select pages of the Transcript of Proceedings of March 2, 2006.

7. Attached hereto as Exhibit "F" is a true and correct copy of the Order Granting in Part, Denying in Part Berry's Motion for Summary Judgment; Order Granting C&S Logistics of Hawaii, LLC, C&S Wholesale Grocers, Inc., C&S Acquisition, LLC, ES3, LLC, and Richard Cohen's Motion for Summary Judgment; Order Granting Guidance Software, Inc. and Michael Gurzi's Motion for Summary Judgment; Order Granting in Part, Denying in Part Remaining Defendants' Motions for Summary Judgment, filed herein on June 27, 2005.

\

\

\

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

Executed this 18th day of May 2006 at Honolulu, Hawaii.

/s/ Lyle S. Hosoda
LYLE S. HOSODA